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## MEMORANDUM

FILE COPY

TO: Randy Morris  
 FROM: Steven J. Duffy *SJD*  
 RE: Arizona State Board of Pharmacy  
 DATE: January 5, 1993

Confirming our telephone conversation of January 5, 1993, I met that date with Montgomery Lee, assistant attorney general, who advises the Arizona State Board of Pharmacy. I provided him with a draft of the short version of the comments we intend to file, and gave him a brief summary of the arguments made in the draft.

Monty did not comment in any detail. He asked whether I knew the reasons for the Coalition's choice of States for filing purposes. I told him I did not, although I could speculate that they thought that for whatever reason they would get better treatment in those states than others. He commented that he did not see any reason why the Coalition would think that the Board of Pharmacy would do anything differently than in the 1988 Premier filing, when the Board determined it was without jurisdiction. In fact, Monty believes the Premier case is a better case for the Board to assume jurisdiction, because of the "drug delivery device" argument.

Monty did not know whether the Petition would be on the January 28-29 Board agenda. He doubted it would be on that agenda, however, and guessed it would be on the March agenda, explaining that since the comment period ended January 15, there was not much time to allow for circulation and review of the comments before the January meeting. He stated that he believed the Board would move slowly on this item, and would want to be certain it had received and considered all comments before making a decision.

We will continue to monitor the Board's agenda, and let you know when we have further information. We are preparing the long version of the comments, and will overnight them to you when ready.

Please let me know if you have any questions.

